

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cr-00229-MOC-DCK

UNITED STATES OF AMERICA,)
)
)
)
Vs.)
)
JAMELL LAMON CURETON,) ORDER
)
)
Defendant.)

THIS MATTER is before the court on defendant's pro se Motion or Letter which concerns the search of his jail cell. Review of the pleadings reveals that defendant is represented by counsel. Local Criminal Rule 47.1 provides, as follows:

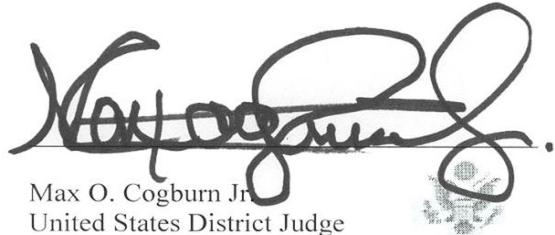
(H) Pro Se Motions Filed By Criminal Defendants Who Have Not Waived Their Right To Counsel. Except for challenges to the effective assistance of counsel, the Court will not ordinarily entertain a motion filed by a criminal defendant who is still represented by counsel and has not formally waived his or her right to counsel in the presence of a judicial officer after being fully advised of the consequences of waiver. Exceptions to this general rule may be made in the discretion of the judicial officer considering the pro se motion.

L.Crim.R. 47.1(H). Defendant is advised that such rule is not in place to avoid issues, but to protect the accused's right to remain silent and right to counsel. By filing such letter with the court, defendant has placed on the record a statement which may (or may not) be used against him by the prosecution. Further, such motion/letter reveals what were *confidential* communications with his attorney, to wit, "[s]he has told me that...." Defendant should direct any concerns to his attorney who can file motions and briefs on his behalf. Having considered defendant's pro se motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's pro se Motion or Letter which concerns the search of his jail cell (#96) is DENIED WITHOUT PREJUDICE as to any motion counsel may file on defendant's behalf.

Signed: April 29, 2015

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". The signature is fluid and cursive, with a large, stylized "M" at the beginning.

Max O. Cogburn Jr.
United States District Judge